

SEP-29-2004 17:35

F&HC PATENT DIVISION

5136278118

P.04/07

Certification of Filing of Trademark

I hereby certify that the foregoing is a true and correct copy of the Trademark as it appears on the US Patent and Trademark Office on September 23, 2004.

David V. Upite 47147

Mark of Attorney Registration No.

Signature of Attorney

RECEIVED
CENTRAL FAX CENTER

SEP 29 2004

Case 8244MLS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Gayle Marie Frankenbach et al. : Conf. No.: 2087
Serial No.: 09/805, 099 : Group Art Unit: 1714
Filed: March 13, 2001 : Examiner: not assigned
For: Methods for Improving the :
Performance of Fabric Wrinkle :
Control Compositions :

RECEIVED

OCT 06 2004

OFFICE OF PETITIONS

PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(a)

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. Applicants hereby petition the Commissioner to extend the time for response to the Office Action dated June 29, 2004, for one month, from August 29, 2004 to September 29, 2004. The Director is hereby authorized to charge \$110.00 for the extension, plus any additional fees which may be required, or credit any overpayment, to Deposit Account Number 16-2480.

A duplicate copy of this petition is enclosed.

Respectfully submitted,

By

David V. Upite
Attorney or Agent for Applicants
Registration No. 47,147
(513) 627-8150

Date: September 29, 2004

Customer No. 27752

SELLMAN 0900001 162480 09805099

1:10.00 DA

10/04/200

01 FC:125

BEST AVAILABLE COPY

SEP-29-2004 17:35

F&A PATENT DIVISION

36278118

P.06/07

* every entry on the correspondence is being accurate
 presented to the Commissioner for Patents in the US Patent and
 Trademark Office on September 29, 2004

DEW V. LIND
 Mark V. Lind
 Signature of Attorney

Case 8244MRLS

RECEIVED
 CENTRAL FAX CENTER

SEP 29 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
 Gayle Marie Frankenbach, et al. :
 Serial No.: 09/805,099 : Group Art Unit: 1714
 Filed: March 13, 2001 : Petitions Examiner: E. Shirene Willis
 Confirmation No. 2087
 For: METHODS FOR IMPROVING :
 THE PERFORMANCE OF :
 FABRIC WRINKLE :
 CONTROL COMPOSITIONS

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450
 VIA FACSIMILE 703/872-9306

Dear Sir:

In response to the decision on petition with a mailing date of June 29, 2004 providing two (2) months to respond, the time for response being extended by one (1) month, pursuant to the fee charged to the Assignee's Deposit Account in the papers submitted herewith, please consider the following remarks and reconsider the Revised Declaration herein attached. Attached hereto is a Petition for an One-Month Extension of Time, and the fee required under 37 CFR §1.17(a), providing for a timely response up to and including September 29, 2004

Remarks begin on page 2 of this paper.

BEST AVAILABLE COPY

Petition under 37.1.47(a) should be granted

It is argued at page 2, lines 11-12 of the Decision that proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. In response, Petitioner submits a "Revised Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor" (hereinafter "Declaration"). The declarant, Bridget M. Harris, attests at page 1 of the Declaration, in bold, that she has first-hand knowledge of the pertinent events.

It is argued at page 2, lines 16-18 of the Decision that the "petition does not establish that a complete copy of the application was mailed to Mr. Behrens' last known address." In response, Petitioner points out that at page 2, lines 7 *et seq.* of the Declaration, declarant Bridget M. Harris attests that "a complete copy of the application papers (i.e., the specification and claims) and declaration of inventors" was sent to Carlos Henrique Behrens's last known address. Petitioner submits that the specification of the application papers does not include any drawings and thus drawings need not have been sent to Carlos Henrique Behrens. In short, Carlos Henrique Behrens was sent a copy of the complete application papers for the instant application. Moreover, a copy of the DHL delivery verification in previously submitted Exhibit 3 evidences a *bona fide* attempt that the application papers were sent to Carlos Henrique Behrens.

It is argued at page 2, lines 21-23 of the Decision, "When petitioners can show that Mr. Behrens was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, the petitioners will have satisfied the requirement." (Emphasis added). In response, Petitioner points to the Declaration that includes reference to a DHL delivery verification (previously submitted Exhibit 3). To this end, on January 9, 2004, the shipment of a complete copy of application papers and declaration was received at Carlos H. Behrens' last known address. Bridget M. Harris attests that, as to the date of executing the Declaration, she has not received a response from Carlos H. Behrens. It has been over 9 months since the complete copy of the application papers have been verifingly received. Petitioner submits that 9 months is more than a "reasonable amount of time" for the inventor to respond.

In view of the foregoing, the omitted inventor Carlos Henrique Behrens's conduct constitutes a refusal. As such, Petitioner respectfully request reconsideration of this Petition.

Respectfully submitted,

By David V. Upton
David V. Upton
Attorney for Petitioner
Registration No. 47,147
(513) 627-8150